

REGISTER OF ACTIONS

CASE No. 23CV44189

Adam Gregg vs Tequila Thurman, Carrie Hutchison, John Copic

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Case Type: **Tort - General**
Date Filed: **10/25/2023**
Location: **Multnomah**

PARTY INFORMATION

Defendant	Copic, John	Attorneys
Defendant	Hutchison, Carrie	
Defendant	Thurman, Tequila	
Plaintiff	Gregg, Adam	JESSE ALAN MERRITHEW Retained 971 229-1241(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS							
10/25/2023	Complaint <i>Negligence; Not Subject to Mandatory Arbitration</i> Created: 10/25/2023 2:20 PM						
10/25/2023	Service <table><tbody><tr><td>Thurman, Tequila</td><td>Unserved</td></tr><tr><td>Hutchison, Carrie</td><td>Unserved</td></tr><tr><td>Copic, John</td><td>Unserved</td></tr></tbody></table> Created: 10/25/2023 2:20 PM	Thurman, Tequila	Unserved	Hutchison, Carrie	Unserved	Copic, John	Unserved
Thurman, Tequila	Unserved						
Hutchison, Carrie	Unserved						
Copic, John	Unserved						

FINANCIAL INFORMATION

Plaintiff	Gregg, Adam	
Total Financial Assessment		884.00
Total Payments and Credits		884.00
Balance Due as of 11/30/2023		0.00
10/25/2023	Transaction Assessment	884.00
10/25/2023	xWeb Accessed eFile Receipt # 2023-679386	(884.00)

0839
Central Precinct

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

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ADAM GREGG,

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Plaintiff,

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vs.

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TEQUILA THURMAN, CARRIE
HUTCHISON, and JOHN COPIC,

11

Defendants.

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TO: CARRIE HUTCHISON

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IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and defend
the complaint filed against you in the above-entitled cause within 30 days from the date of
service of this summons on you. If you fail to appear and defend, the plaintiff will apply to the
court for the relief demanded in the complaint.

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NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!

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You must "appear" in this case or the other side will win automatically. To "appear" you must
file with the court a legal document called a "motion" or "answer." The "motion" or "answer"
must be given to the court clerk or administrator within 30 days along with the required filing
fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the
plaintiff does not have an attorney, proof of service on the plaintiff.

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If you have questions, you should see an attorney immediately. If you need help in finding an
attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at

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SUMMONS TO CARRIE HUTCHISON - 1

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1 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or
2 toll-free elsewhere in Oregon at (800) 452-7636.

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4 DATED this 27th day of October, 2023.

5 LEVI MERRITHEW HORST PC
6

7 By: s/ Jesse Merrithew
Jesse Merrithew, OSB #074564
8 Noah Horst, OSB #076089
Attorneys for Adam Gregg
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SUMMONS TO CARRIE HUTCHISON - 2

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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MULTNOMAH

6 ADAM GREGG,

7 Plaintiff,

8 vs.

9 TEQUILA THURMAN, CARRIE
10 HUTCHISON, and JOHN COPIC,

11 Defendants.

12 Case No. _____

13 CIVIL RIGHTS COMPLAINT UNDER
14 OREGON TORT CLAIMS ACT AND 28
15 U.S.C. § 1983

16 NOT SUBJECT TO MANDATORY
17 ARBITRATION

18 Prayer: \$5,500,000
19 Filing Fee Authority: ORS § 21.160(1)(d)

20 JURY TRIAL DEMANDED

21 Plaintiff demands a jury trial and alleges:

22 NATURE OF CASE

23 Plaintiff Adam Gregg served five and a half years in prison based on a lie. Portland
24 Police Officers Carrie Hutchison and Tequila Thurman conspired to manufacture evidence that
25 Gregg sold heroin leading to the overdose death of C.C.¹. In fact, both Thurman and Hutchison
knew that C.C. was alive, but they lied and claimed that he was dead. They wrote in their police
reports that he was dead and told Gregg that he was dead in order to gain Gregg's consent to
search his apartment. Deputy District Attorney John Copic repeated their lies to Gregg's lawyer
with embellishment as part of a successful campaign to convince Gregg to accept a severe prison

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¹ Throughout this complaint, other involved individuals will be referred to by their initials to
31 protect their privacy.

32 COMPLAINT - 1

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1 sentence. The prison sentence Gregg accepted—80 months—was based entirely on the
 2 Defendants' lies. Were it not for Defendants' lies, Gregg would not have received a prison
 3 sentence at all. He files this lawsuit to obtain compensation for the five and a half years he spent
 4 in prison believing he had killed a man all based on the Defendants' lies.

PARTIES

1. Plaintiff Adam Gregg is a resident of Multnomah County, Oregon.
2. Defendant Tequila Thurman was, at the time of these events, a police officer
with the Portland Police Bureau, employed by the City of Portland.
3. Defendant Carrie Hutchison was, at the time of these events, a police officer with
the Portland Police Bureau, employed by the City of Portland.

4. Defendant John Copic was, at the time of these events, a deputy district attorney
with the Multnomah County District Attorney's Office. As a deputy district attorney, Copic was
an employee of Multnomah County and an agent of the State of Oregon.

GENERAL ALLEGATIONS

5. In the early morning hours of May 23, 2015, C.C. and two to four of his friends
used some heroin together.

6. C.C. obtained the heroin from his roommate, D.R..
 7. C.C. was already noticeably intoxicated from alcohol at the time he ingested the
heroin.

8. C.C. was alive and snoring loudly around 3:00 AM, over an hour after using the
heroin.

9. C.C. has sleep apnea.

10. Around 6:30 AM, approximately five hours after using the heroin, one of C.C.'s
friends noticed that C.C. had blood coming out of his nose and could not wake him. That friend
called 911.

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11. Portland Police Officers Matthew Brown and Lloyd were the first to respond to C.C.'s apartment.

12. Officers Brown and Lloyd performed CPR on C.C. until paramedics arrived and took over.

13. Paramedics were able to get a pulse and transported C.C. to the hospital for further treatment.

14. The Portland Police Bureau's Drugs and Vice Division assigned Officers Hutchison and Thurman to investigate.

15. Thurman and Hutchison focused their investigation on “moving up the supply chain” – attempting to determine who D.R. purchased the heroin from, and who they purchased it from, and so on.

16. Late in the morning of May 23, 2015, Thurman spoke with C.C.'s girlfriend, C.S., who was at the hospital with C.C..

17. C.S. told Thurman that C.C. was alive.

18. On May 26, 2015, Thurman wrote a report about her conversation with C.S., but did not include the fact that C.C. had survived the suspected overdose.

19. On May 27, 2015, Hutchison authored a police report in which she wrote that Thurman interviewed the “two individuals that were with [C.C.] the night before his death.”

20. At the time Hutchison wrote that report, she knew that C.C. was alive

21. On June 4, 2015, Thurman, Hutchison, and other members of PPB's Drugs and Vice Division arrested Gregg for possession with intent to deliver heroin.

22. Thurman and Hutchison told Gregg that he needed to cooperate in their investigation because he supplied heroin that led to the overdose death of C.C.

23. Thurman and Hutchison obtained Gregg's consent to search his apartment based on this lie.

24. Thurman and Hutchison found more heroin in Gregg's apartment

1 25. Gregg agreed to cooperate and explain his source of heroin based on Thurman
 2 and Hutchison's lie that he supplied heroin that led to the death of C.C..

3 26. On August 12, 2015, Gregg was arraigned in Multnomah County Circuit Court.

4 27. The Deputy DA at arraignment argued for Gregg to be held without bail based
 5 on Thurman and Hutchison's lie that Gregg supplied heroin that led to the death of C.C..

6 28. Deputy DA John Copic was assigned as the prosecutor for Gregg's case.

7 29. On October 13, 2015, Copic sent Gregg's lawyer a "departure notice" which
 8 stated in part: "Mr. Gregg sold heroin that resulted in the death of [C.C.]".

9 30. Copic repeatedly told Gregg's lawyer that if Gregg did not plead guilty and
 10 accept a long prison sentence, Copic would use his federal cross-deputization to prosecute
 11 Gregg in federal court for the death of C.C..

12 31. In federal court, anyone in the chain of distribution of controlled substances
 13 where the controlled substances lead to the death of another person faces a mandatory minimum
 14 20 years in federal prison and a maximum of life.

15 32. Copic eventually made a plea offer of 80 months, writing, "I am sure that Mr.
 16 Gregg and his family would rather Mr. Gregg not go to prison for such a long period. I am also
 17 sure [C.C.]'s family would prefer [C.] was alive."

18 33. Gregg accepted the offer, believing Copic's threat was genuine.

19 34. Gregg was imprisoned from February 8, 2016 until June 3, 2021.

20 35. In 2022, Gregg began to suspect that C.C. was alive when he started the process
 21 of applying for relief from his convictions under SB 819.

22 36. On September 6, 2022, Gregg and the Multnomah County DA's office jointly
 23 petitioned the court to vacate and dismiss Gregg's conviction because it was obtained based on
 24 the false statement that C.C. had died.

25 37. The Court granted the motion, dismissing the case on September 8, 2022.

38. Gregg sent timely notices of claim under the Oregon Tort Claims Act to the City of Portland, Multnomah County, and State of Oregon.

FIRST CLAIM FOR RELIEF
(Malicious Prosecution Under Oregon Tort Claims Act)
(Against Defendants Thurman and Hutchison)

39. As alleged above, Defendants Thurman and Hutchison initiated the criminal prosecution of Gregg.

40. Defendants Thurman and Hutchison fabricated evidence to suggest that Gregg caused the death of C.C.. There was no probable cause to believe that Gregg caused the death of C.C. because C.C. was alive.

41. Defendants Thurman and Hutchison acted with malice.

42. Gregg spent five and a half years in prison as a direct result of the Defendants' unlawful conduct.

43. The prosecution against Gregg terminated in his favor when the Circuit Court dismissed the case on September 8, 2022.

SECOND CLAIM FOR RELIEF
(Abuse of Process Under Oregon Tort Claims Act)
(Against Defendants Thurman and Hutchison)

44. As alleged above, Defendants Thurman and Hutchison acted with an ulterior purpose when they fabricated evidence against Gregg: they sought to have him punished for a crime he did not commit, the death of C.C.

45 The Defendants acts of fabricating evidence were willful and improper

46. As a result of Defendants' conduct, Gregg spent five and a half years in prison.

THIRD CLAIM FOR RELIEF
(Trespass Under Oregon Tort Claims Act)
(Against Defendants Thurman and Hutchison)

47. As alleged above, Defendants Thurman and Hutchison unlawfully and intentionally entered Gregg's apartment on June 4, 2015.

48. The entry into Gregg's apartment was unlawful because there was no valid consent—the Defendants lied in order to gain his consent.

3 49. As a direct result of this unlawful entry, Gregg was arrested and prosecuted.

**FOURTH CLAIM FOR RELIEF
(Negligence Under Oregon Tort Claims Act)
(Against Defendant Copic)**

50. Defendant Copic was acting within his investigative capacity when he considered whether to charge Gregg with the "death" of C.C.

51. Copic had a duty of reasonable care in making threats of prosecution for uncharged conduct.

52. Copic violated that duty of reasonable care by failing to question whether the statements made by Thurman and Hutchison were true before using them as the basis for threatening Gregg.

53. Even if Copic believed the statements of Thurman and Hutchison that C.C. was in fact dead, there was insufficient information, based on the information above, to believe that C.C. died from a drug overdose from heroin as opposed to any other potential cause of death.

54. Copic's statement that C.C.'s family was more upset by C.C.'s "death" than Gregg's family was by his imprisonment was a complete fabrication in reckless disregard for the truth.

55. Copic's reckless threats based on insufficient information were a proximate cause of Gregg's imprisonment for five and a half years.

FIFTH CLAIM FOR RELIEF
(Malicious Prosecution – 42 U.S.C. § 1983)
(Violation of Fourth, Fifth, Eighth, and Fourteenth Amendments)
(Against Defendants Thurman and Hutchison)

56. As alleged above, Defendants Thurman and Hutchison initiated the criminal prosecution of Gregg.

57. Defendants Thurman and Hutchison were acting under color of state law

COMPLAINT - 6

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1 58. Defendants Thurman and Hutchison fabricated evidence to suggest that Gregg
2 caused the death of C.C.. There was no probable cause to believe that Gregg caused the death
3 of C.C. because C.C. was alive.

4 59. Defendants Thurman and Hutchison acted with malice and the specific purpose
5 that Gregg would be imprisoned for a crime he did not commit in violation of his Fourth, Fifth,
6 Eighth, and Fourteenth Amendment rights.

7 60. Gregg spent five and a half years in prison as a direct result of the Defendants' unlawful conduct. This constituted:

- a. An unreasonable seizure in violation of the Fourth Amendment;
 - b. A violation of his right to Due Process in violation of the Fifth and Fourteenth Amendments;
 - c. Cruel and unusual punishment in violation of the Eighth Amendment.

61. The prosecution against Gregg terminated in his favor when the circuit court dismissed the case on September 8, 2022.

SIXTH CLAIM FOR RELIEF
(Abuse of Process – 42 U.S.C. § 1983)
(Violation of Fourth, Fifth, Eighth, and Fourteenth Amendments)
(Against Defendants Thurman and Hutchison)

62. As alleged above, Defendants Thurman and Hutchison acted with an ulterior purpose when they fabricated evidence against Gregg: they sought to have him punished for a crime he did not commit, the death of C.C.

63. Defendants Thurman and Hutchison were acting under color of state law

64. The Defendants acts of fabricating evidence were willful and improper.

65. As a result of Defendants' conduct, Gregg spent five and a half years in prison.

This constituted:

- a. An unreasonable seizure in violation of the Fourth Amendment;

- 1 b. A violation of his right to Due Process in violation of the Fifth and
- 2 Fourteenth Amendments;
- 3 c. Cruel and unusual punishment in violation of the Eighth Amendment.

4 **SEVENTH CLAIM FOR RELIEF**

5 **(Fabrication of Evidence – 42 U.S.C. § 1983)**

6 **(Violation of Fourth, Fifth, Eighth, and Fourteenth Amendments)**
7 **(Against Defendants Thurman and Hutchison)**

8 66. As alleged above, Defendants Thurman and Hutchinson fabricated evidence
9 when they wrote in their reports that C.C. was “dead” or “deceased”.

10 67. Defendants Thurman and Hutchison were acting under color of state law.

11 68. As a result of Defendants’ conduct, Gregg spent five and a half years in prison.

12 This constituted:

- 13 a. An unreasonable seizure in violation of the Fourth Amendment;
- 14 b. A violation of his right to Due Process in violation of the Fifth and
- 15 Fourteenth Amendments;
- 16 c. Cruel and unusual punishment in violation of the Eighth Amendment.

17 **EIGHTH CLAIM FOR RELIEF**

18 **(Failure to Disclose Exculpatory Evidence – 42 U.S.C. § 1983)**

19 **(Violation of Fourth, Fifth, Eighth, and Fourteenth Amendments)**
20 **(Against Defendants Thurman and Hutchison)**

21 69. As alleged above, Defendants Thurman and Hutchinson failed to disclose
22 material exculpatory evidence when they failed to inform the prosecutor that C.C. was alive.

23 70. Defendants Thurman and Hutchison were acting under color of state law.

24 71. As a result of Defendants’ conduct, Gregg spent five and a half years in prison.

25 This constituted:

- 26 a. An unreasonable seizure in violation of the Fourth Amendment;
- 27 b. A violation of his right to Due Process in violation of the Fifth and
- 28 Fourteenth Amendments;

c. Cruel and unusual punishment in violation of the Eighth Amendment.

WHEREFORE, plaintiff demands judgment against defendant for damages in the sum of \$5,500,000 for plaintiff's claims for relief, an award of attorney fees under 28 U.S.C. § 1988, and for costs and disbursements incurred.

DATED this 25th day of October, 2023.

LEVI MERRITHEW HORST PC

By: s/ Jesse Merrithew

Jesse Merrithew, OSB #074564

Noah Horst, OSB #076089

Attorneys for Adam Gregg

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